(2)

No. 90-1712

Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1990

STATE OF NORTH CAROLINA,

Petitioner,

v.

CARLTON J. SMITH,

Respondent.

Petition For Writ Of Certiorari To The Supreme Court Of North Carolina

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

I. DID THE SUPREME COURT OF NORTH CAROLINA ERR IN HOLDING THAT THE EXISTENCE OF "EXCLUSIVE" FEDERAL JURISDICTION OVER A FEDERAL ENCLAVE BARS THE EXERCISE OF CONCURRENT STATE JURISDICTION OVER JUVENILE MATTERS?

II. DID THE SUPREME COURT OF NORTH CAROLINA ERR IN HOLDING THAT A STATE COURT CANNOT REVIEW A UNITED STATES ATTORNEY'S CERTIFICATION UNDER 18 U.S.C. § 5032 THAT NO STATE COURT HAS JURISDICTION OVER A JUVENILE MATTER?

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Respondent, Carlton J. Smith, respectfully submits that a writ of certiorari to review the judgment and opinion of the North Carolina Supreme Court in *State v. Smith*, 328 N.C. 161, 400 S.E.2d 405 (1991), is unnecessary and should not issue.

CONSTITUTION AND STATUTORY PROVISIONS[1]

In addition to those cited by the Petitioner, the Respondent offers:

[1] Pursuant to Rule 24.2, Supreme Court Rules, the listing of parties, citations of opinions below, and statement of jurisdiction are omitted.

40 U.S.C. § 255 (1990)
[Unnumbered paragraphs 1-5 omitted]

Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.

STATEMENT OF THE CASE

The Respondent, Carlton J. Smith, was indicted on three counts of first degree murder on December 13, 1988 in Onslow County. These murders were committed on the Marine Corps Base at Camp Lejeune in Onslow County, North Carolina on August 24, 1981. At arraignment on January 25, 1989, the Respondent entered pleas of not

guilty and filed two motions to dismiss for lack of jurisdiction. Upon hearing the motions during the February 29, 1989 criminal session of the Superior Court of Onslow County, the trial judge denied the motions, and the Respondent petitioned the Supreme Court of North Carolina for a writ of certiorari to review the trial court's order.

The writ of certiorari to review this order was issued and the Supreme Court ruled on February 7, 1991 that the Superior Court in Onslow County did not have jurisdiction to try the Respondent and ordered the cases remanded for dismissal. The Petitioner seeks review of that decision.

I. Factual and Procedural Background

The United States Government acquired the tracts of land on which Camp Lejeune Marine Corps Base is located by condemnation in 1941. The property where the murders occurred is located within the territorial boundaries of Camp Lejeune Marine Corps Base and more specifically within area "C." (Described in Petitioner's A-36) Area "C" was acquired by condemnation with title vesting in the United States on April 26, 1941. Pursuant to an act of 1907, Ch. 25, N.C. Code 1927, § 8059 (later codified as N.C. Gen. Stat. § 104-7), the United States by the authority vested in the Acting Secretary of the Navy, James Forrestal, accepted jurisdiction over this tract by letter to North Carolina Governor J. Melville Broughton on June 4, 1971.

The Respondent, Carlton J. Smith, was born on March 20, 1966. On August 24, 1981, the Respondent, who

was fifteen years of age, resided with his mother, Betty Smith and two sisters, Loretta Smith, age 13 and Connie Smith, age 12, at 6080-A Kentucky Court, Watkins Village, Marine Corps Base, Camp Lejeune, North Carolina. This residence is located within the territorial boundaries of Camp Lejeune Marine Corps Base and is contained within the area described as Area "C." On August 24, 1981, Connie Smith, Sharon Lee Sager, the Respondent's aunt, and Mrs. Sager's son, Tyler Dash, were found murdered in the Smith residence.

On the same day as the murders, Joseph E. Stroud, Jr., Assistant District Attorney, on behalf of William H. Andrews, District Attorney for the Fourth Prosecutorial District, wrote a letter to the Honorable Wallace W. Dixon, Assistant United States Attorney for the Eastern District of North Carolina, which stated in part that it had always been his understanding that the "criminal offenses occurring on the Marine Corps installations in Onslow County fall exclusively within the federal jurisdiction." (Petitioner's A-40)

Smith was arrested in Vale, Oregon, on June 30, 1986, by agents of the Naval Investigative Service. On July 8, 1986, Smith was charged in the United States District Court for the Eastern District of North Carolina pursuant to 18 U.S.C. § 5032 in a Juvenile Information with three counts of first degree murder, violations of 18 U.S.C. § 1111. In each count of the Juvenile Information the United States Attorney, Samuel T. Currin, alleged that the crimes occurred "on lands acquired for the use of the United States and under the exclusive jurisdiction thereof . . . " (Petitioner's A-41)

Pursuant to the requirements of 18 U.S.C. § 5032, the United States Attorney, Samuel T. Currin, through M. F. Bogdanos, Special Assistant United States Attorney and an officer in the United States Marine Corps, certified to the Honorable W. Earl Britt, Chief Judge for the United States District Court for the Eastern District of North Carolina that:

> [N]o juvenile court or other appropriate court of any state, including the General Court of Justice of the State of North Carolina, has jurisdiction of said juvenile with respect to the acts of juvenile delinquency alleged in this case, such acts having occurred on Marine Corps Base, Camp Lejeune, North Carolina, a military reservation acquired for the use of the United States and under the exclusive jurisdiction thereof. (Petitioner's A-43)

On July 11, 1986, a motion to transfer the juvenile for trial as an adult pursuant to 18 U.S.C. 5032 was made by the government. The motion of the Government to transfer the juvenile for trial as an adult was granted, and Smith gave notice of appeal to the United States Fourth Circuit Court of Appeals.

The Fourth Circuit Court of Appeals on May 26, 1987, reversed the trial court in *United States v. A Juvenile Male*, 819 F.2d 468 (4th Cir. 1987) holding that the *ex post facto* clause of Article I, Section 9 of the United States Constitution barred transfer of the juvenile for trial as an adult. The Court recited the jurisdictional facts stated in the three count bill of information, finding that the crimes were committed in "an area of exclusive federal jurisdiction . . . " *Id.* at 469.

On July 2, 1987, the United States notified the United States Court of Appeals that it would not be seeking a rehearing in the matter. The federal government on July 6, 1987 filed a Motion for Dismissal of the Juvenile Information which was allowed on the same date.

On July 7, 1987, a federal grand jury returned a four-count bill of indictment against Smith, the first three counts alleging that the individual murders occurred:

> on or about August 24, 1981, at Marine Corps Base, Camp Lejeune, North Carolina, in the Eastern District of North Carolina, within the special maritime and territorial jurisdiction of the United States . . .

On July 9, 1987, Smith moved to dismiss the indictments, but said motion was denied on December 3, 1987. The grounds for denial were stated in a memorandum opinion entitled *United States v. Smith*, 675 F. Supp. 307 (1987). Smith appealed to the United States Fourth Circuit Court of Appeals which granted Smith's request for a stay of the proceedings in order to hear his appeal. The Fourth Circuit Court of Appeals held on July 12, 1988 in *United States v. Smith*, 851 F.2d 706 (4th Cir. 1988) that once the government invokes the statute under which Smith was originally charged, 18 U.S.C. § 5032, it may not in the future proceed against the defendant except in accordance with the terms of that statute. That statute provides that once a juvenile is proceeded against under that section, no other criminal prosecution shall be instituted against him except under certain exceptions none of which apply in this case.

Pursuant to the directive of the United States Fourth Circuit Court of Appeals, the indictment charging three

counts of murder was dismissed on December 14, 1988. The fourth count of the indictment charging escape was dismissed with leave of court by the government on January 12, 1989.

On December 13, 1988, the day before the identical federal charges were dismissed, the grand jury for Onslow County returned indictments against Respondent charging him with the August 24, 1981 murders of Connie Smith, Sharon Sager, and Tyler Dash. On January 25, 1989, the Respondent at arraignment entered pleas of not guilty as to each charge with the stipulation of the District Attorney and counsel for the defense that these pleas would not prejudice in any way any motions filed subsequent to the arraignment. This stipulation was approved by the Court.

On February 13, 1989, the Respondent filed in the Superior Court of Onslow County two motions to dismiss for lack of jurisdiction. At the motion hearing on February 20, 1989, the Respondent offered into evidence the following documents:

1. A letter dated June 4, 1941, from Acting Secretary of the Navy James Forrestal to North Carolina Governor J. Melville Broughton accepting jurisdiction over Area "C." (Petitioner's A-36)

2. An undated letter written by direction of Camp Lejeune Commanding General Joseph O. Butcher to North Carolina Attorney General Thomas Wade Bruton which states that the "Federal Government has exclusive jurisdiction over the 109,046.38 acres of land comprising the Base." (A-1)

3. A memorandum dated January 21, 1971, from Colonel Frank X. Hoff, the Base Provost Marshal, Marine Corps Base, Camp Lejeune, North Carolina, to the Director for Security and Law Enforcement, Headquarters, Marine Corps, which states that "The United States Government possesses exclusive jurisdiction over Marine Corps Base, Camp Lejeune, North Carolina, with minor exceptions." (A-4)

4. The letter from North Carolina Assistant District Attorney Joseph Stroud to Assistant United States Attorney Wallace W. Dixon. (Petitioner's A-40)

Oral arguments on these motions were heard before Superior Court Judge James R. Strickland. On February 23, 1989, the Court, in a written order, denied both motions but allowed a stay of the proceedings to allow the Respondent time to request a writ of certiorari from the Supreme Court.

On June 8, 1989, the North Carolina Supreme Court allowed the Respondent's petition for writ of certiorari.

II. Decision of the North Carolina Supreme Court

The Supreme Court of North Carolina cited N.C. Gen. Stat. § 104-7 which provides that the state consents to the acquisition by the United States by condemnation or purchase of property for governmental purposes. It further provides that the state cedes to the United States exclusive jurisdiction over that property for all purposes but reserved the right of service of civil and criminal process of the courts of North Carolina. Acting Secretary of the Navy James Forrestal accepted jurisdiction in the

manner and form provided by N.C. Gen. Stat. § 104-7. This complied with the requirements of 40 U.S.C. § 255 which allows an authorized officer of the federal government to secure whatever jurisdiction he deemed desirable. In this matter they ruled that the federal government accepted exclusive jurisdiction over the Marine Corps Base. This conclusion was consistent with the reasoning and rulings of several cases from the United States Supreme Court and *State v. DeBerry*, 224 N.C. 834, 32 S.E.2d 617 (1945).

The Court also noted as some authority the 18 U.S.C. § 5032 certification of the United States Attorney for the Eastern District of North Carolina that the courts of North Carolina did not have jurisdiction over the Respondent with respect to these crimes. From a review of the proceedings in their state courts, the Supreme Court further concluded in response to the State's contentions that the proceedings against the Respondent in the Superior Court of Onslow County were criminal proceedings, thus they did not have to decide whether a juvenile proceeding was civil or criminal.

SUMMARY OF ARGUMENT

N.C. Gen. Stat. § 104-7 gives to the United States in accordance with U.S. Const. Art. I, § 8, cl. 17 exclusive jurisdiction for all purposes over any land acquired by purchase or condemnation. 40 U.S.C. § 255 was passed to give broad discretion to the various agencies in order that they obtain only the necessary jurisdiction over lands obtained by the federal government. This method of

acceptance determines exactly what jurisdiction the federal government acquires.

Referring to the exclusive jurisdiction ceded by North Carolina by statute, the Acting Secretary of the Navy by letter in 1941 to the Governor accepted exclusive jurisdiction over the Marine Corps Base at Camp Lejeune. When the Juvenile Information was brought by the United States Attorney against the Respondent in 1981 for the murders, he certified that the General Court of Justice of the State of North Carolina did not have jurisdiction as these offenses occurred on a military reservation under the exclusive jurisdiction of the United States.

Because the federal government accepted exclusive jurisdiction over the Marine Corps Base of Camp Lejeune, the state did not have jurisdiction to try the Respondent for offenses committed there.

ARGUMENT

I. The Supreme Court of North Carolina Construed the Concept of Exclusive Federal Jurisdiction Consistent with the United States Constitution and Federal Law.

Congress was given the power by the United States Constitution:

> to exercise exclusive Legislation in all Cases whatsoever . . . over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings.

U.S. Const. Art. I, § 8, cl. 17. The legislature of the State of North Carolina in N.C. Gen. Stat. § 104-7 gave consent in accordance with the above constitutional provision to the United States to acquire:

> by purchase, condemnation, or otherwise, of any land in the state required for the sites for . . . arsenals, or other public buildings whatever, or for any other purposes of the government.

N.C. Gen. Stat § 104-7 further provided that:

> exclusive jurisdiction in and over any land so acquired by the United States shall be and the same is hereby ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this state.

The act of October 9, 1940, 40 U.S.C. § 255 resulted from a:

> cooperative study by government officials, and was aimed at giving broad discretion to the various agencies in order that they might obtain only the necessary jurisdiction. The act created a definite method of acceptance of jurisdiction so that all persons could know whether the government had obtained 'no jurisdiction at all, or partial jurisdiction, or exclusive jurisdiction'.

Adams v. United States, 319 U.S. 312 (1943).

Pursuant to the consent contained in N.C. Gen. Stat. § 104-7 and the requirements of 40 U.S.C. § 255, the Acting Secretary of the Navy, James Forrestal, on June 4, 1941, accepted jurisdiction on behalf of the United States in the "manner and form" provided by N.C. Gen. Stat. § 104-7. The North Carolina Supreme Court concluded from the above that the "State ceded all jurisdiction that

it could except for the service of process and this is what the United States accepted." *State v. Smith*, 328 N.C. 161, 168, 400 S.E.2d 405, 409 (1991).

On August 24, 1981, an Assistant District Attorney of the Fourth Prosecutorial District, in which Onslow County and Camp Lejeune is located, wrote to the United States Attorney's office that "it has always been my understanding that criminal offenses occurring on the Marine Corps installations in Onslow County fall exclusively within the federal jurisdiction." (Petitioner's A-40) Pursuant to the above constitutional and statutory authority the United States Attorney certified to the Chief Judge of the United States District Court for the Eastern District of North Carolina pursuant to 18 U.S.C. § 5032 that:

> no juvenile court or other appropriate court of any state, including the General Court of Justice of the State of North Carolina, has jurisdiction over said juvenile with respect to the acts of juvenile delinquency alleged in this case, such acts having occurred on Marine Corps Base, Camp Lejeune, North Carolina, a military reservation required for the use of the United States and under exclusive jurisdiction thereof. (Petitioner's A-43)

In its analysis of the proceedings in the Fourth Circuit Court of Appeals, the Supreme Court of North Carolina concluded that there was nothing to indicate that the federal court did not have jurisdiction to conduct an adjudication of delinquency of the Respondent in this case. *State v. Smith*, 328 N.C. 161, 168, 400 S.E.2d 405, 409 (1991).

The Supreme Court of North Carolina further ruled that the proceedings against this Respondent in the Superior Court in Onslow County were criminal proceedings, and not juvenile proceedings and, therefore, looked to authority in other criminal cases with similar facts. They relied upon the cited cases of *United States v. Unzeuta*, 281 U.S. 138 (1930), *Bowen v. Johnston*, 306 U.S. 19 (1939) and *Benson v. United States*, 146 U.S. 325 (1892) to support their ruling that the jurisdiction of the United States over this Respondent and these offenses was exclusive. It also referred to *United States v. Daye*, 696 F.2d 1305 (11th Cir. 1983) and the leading North Carolina case of *State v. DeBerry*, 224 N.C. 834, 32 S.E.2d 617 (1945). This decision was totally consistent with the criminal cases cited and certainly does not support a basis for granting a writ of certiorari.

II. The Supreme Court of North Carolina Considered a United States Attorney Certification Under 18 U.S.C. § 5032 as Further Authority to Rule that the State Courts Did Not Have Jurisdiction Over the Respondent.

The Supreme Court of North Carolina in its decision discussed the constitutional and statutory basis for their decision and reviewed some of the criminal cases with similar factual backgrounds that have interpreted those statutory provisions. In its argument the State contended that 18 U.S.C. § 5032 indicated a preference for the states to handle juvenile delinquency matters. The Court concluded that 18 U.S.C. § 5032 is not helpful to the State in this case because the Assistant United States Attorney certified to the District Court for the Eastern District of

North Carolina that the General Court of Justice of the State of North Carolina did not have jurisdiction. The Supreme Court did not say that it had to accept the United States Attorney's certification as final. The Court only concluded that this section was not "helpful to the State." *State v. Smith*, 328 N.C. 161, 168, 400 S.E.2d 405, 409 (1991). The certification by the Assistant United States Attorney was made objectively with the approval of the prosecutorial authority of the State of North Carolina. The courts of the State of North Carolina have a right and a duty to look at these administrative interpretations of federal law in deciding jurisdictional issues. The United States Supreme Court in *Bowen v. Johnston*, 306 U.S. 19 (1939) in deciding a similar jurisdictional issue relied upon the opinion of the Judge Advocate General to be persuasive on a similar jurisdictional issue as did the Fourth Circuit Court of Appeals found persuasive the opinion of the Secretary of War in *United States v. Lovely*, 319 F.2d 673 (4th Cir. 1963), *cert. denied*, 375 U.S. 913 (1963). The North Carolina Supreme Court gave the certification of the Assistant United States Attorney consideration and found it to be consistent with the case law and the historical relationship between North Carolina and the federal government over Camp Lejeune.

There are other federal administrative interpretations which support the ruling of exclusive jurisdiction on the part of the federal government over Camp Lejeune. In a letter written under the direction of Commanding General Joseph O. Butcher to the Attorney General of North Carolina, he advised the state that the federal government had exclusive jurisdiction over the land comprising the base. (A-1) He referred to an opinion of the Judge

Advocate General of the Navy that the reservation of the right to serve civil and criminal process was "not inconsistent with the cession of exclusive legislative jurisdiction." The letter lists areas where the federal government does not have exclusive jurisdiction but all are unrelated to the location of these crimes. Also persuasive is a 1971 memorandum from the Base Provost Marshal which referred to the United States government's exclusive jurisdiction over the Marine Corps Base. (A-4)

III. This Case Presents Identical Questions of Federal Law That Have Been Previously Settled by the United States Supreme Court and Consistently Applied in the Circuit Courts and the Supreme Court of North Carolina.

The Petitioner exaggerates the effect of the decision of the Supreme Court of North Carolina in this case. It should not be the duty of the United States Supreme Court to legislate the jurisdictional limitations of the federal and state governments over federal enclaves. Congress has established procedures to accomplish this, and the individual states have likewise legislated the extent of jurisdiction they are willing to cede.

The decision of the North Carolina Supreme Court deals solely with the Marine Corps Base at Camp Lejeune and the relationship between the United States and the State of North Carolina over these offenses. This decision will not compel any federal court to deal with juvenile matters unless the United States Attorney makes the findings required by 18 U.S.C. § 5032. In this case, in spite of Congressional preference of state intervention where jurisdiction exists, the United States Attorney proceeded

to prosecute the Respondent. At that time there was no doubt in the mind of the United States Attorney that the Federal Court was adequately able to deal with this Respondent, and that the State of North Carolina did not have jurisdiction. It was also apparent that the prosecutorial authority in the State of North Carolina had reached the same conclusions. It was only when the United States Attorney ran afoul of the Federal Juvenile Delinquency Act (18 U.S.C. § 5031 *et seq.*), that the State of North Carolina became interested in attempting to prosecute.

The Petitioner contends that *State v. Smith* may lead to "nationwide disagreement among state officials over the scope of concurrent state jurisdiction." At worst, this case may require state and federal officials to review their individual situations in order to avoid any future difficulties. If revision is necessary, the administrative and legislative machinery is already in place to resolve any prospective problem as apparently was done in Onslow County as reflected in the 1971 memorandum from the Base Provost Marshal in paragraph 1(b). (A-4) It should not be an undertaking of the United States Supreme Court to use this case as a vehicle to try to define the jurisdictional lines for every federal enclave.

The legislature of North Carolina through N.C. Gen. Stat. § 104-7 clearly ceded to the United States for all purposes exclusive jurisdiction over any land acquired in this state by the United States by purchase or condemnation. For the purposes of eliminating jurisdictional questions, Congress through 40 U.S.C. § 255 gave authority to the head or other authority officer of any department of the federal government to accept or secure from the state

exclusive or partial jurisdiction over any such lands as he may deem desirable. Whatever jurisdiction he accepts had to be filed with the Governor of this state or in any way as prescribed by the laws of that state. This is exactly what was done by the Acting Secretary of the Navy for the area known as Camp Lejeune, North Carolina. The wording of the legislation is clear, and the documentation accepting jurisdiction is clear. No further judicial interpretation is necessary.

CONCLUSION

For the foregoing reasons, the Respondent, Carlton J. Smith, respectfully requests that the Petitioner's request that a writ of certiorari issue be denied.

This the 3 day of June, 1991.

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APPENDIX A

CSG-ja

Honorable Thomas Wade Bruton
Attorney General
State of North Carolina Department of Justice
Department of Administration Division
Raleigh, North Carolina 27601

Dear Mr. Bruton:

This is a follow-up to the letter from General Butcher, Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, which was sent to you on 10 October 1967, concerning the jurisdictional status of Marine Corps Base, Camp Lejeune.

The Federal Government has exclusive jurisdiction over 109,046.38 acres of land comprising the Base, including submerged land area and water courses. In the opinion of the Attorney General of the United States, title to these lands was vested in the United States, except for the following:

(a) 15.23 acres acquired 16 April 1954 by transfer from the National Housing Authority. The property was acquired under condemnation proceedings, Declaration of Taking, Civil 112, filed 16 April 1943, and is located at the point of the beginning intersection at the center of Lamotts Creek, running to the western boundary of Piney Green, Pumpkin Center public road.

(b) 44.8 acres of land acquired under condemnation proceedings, Civil Action 185, comprising a part of the southern boundary of Camp Lejeune lying south of Dixon to Sneads Ferry, and an average of three miles from US Highway 17 and the Atlantic Coast Line Railroad.

(c) 0.45 of an acre transferred from the Housing and Home Finance Agency in 1954, located in No. 9 Tallman Street, Jacksonville, North Carolina, identified as the Federal Recreation Center.

(d) Right-of-way of Camp Lejeune Railroad Company and the Atlantic Coast Line Railroad, comprising 35.6 miles.

(e) The Marine Corps has also retroceded concurrent jurisdiction to the State of North Carolina over that portion of North Carolina Highways 17 and 24, traversing the military reservation.

Cession of jurisdiction of the State of North Carolina over lands acquired by the Federal Government is contained in the North Carolina Act of 1907, Chapter 25, Section 8059 (General Statutes of North Carolina, 1958, Section 104-7). The act of cession reserves to the State of North Carolina the right to serve all civil and criminal process of the courts of the state. In an opinion rendered by the Judge Advocate General of the Navy, such a reservation is not inconsistent with the cession of exclusive legislative jurisdiction.

Enclosure (1) represents copies of letters from the Secretary of the Navy to the Governor of the State of North Carolina, accepting political jurisdiction over parcels of land comprising the Base.

Enclosures (2) through (5) compiled by the Commanding General, Marine Corps Base, Camp Lejeune, are real estate summary maps depicting type of jurisdiction, and are forwarded for ready reference.

It is a pleasure to provide you with the foregoing information. If I can be of any further assistance to you in this matter, please do not hesitate to call me.

Sincerely,

ROBERT B. CARNEY, JR.
By direction

Encls: (1) thru (5)

B/c to:
CG MCB CLNC without encls

APPENDIX B

OFFICE OF THE PROVOST MARSHAL
MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA 28542

27/GCW/th
21 Jan 1971

MEMORANDUM FOR DIRECTOR, SECURITY AND LAW ENFORCEMENT, HEADQUARTERS, MARINE CORPS

Subj: Legal Jurisdiction on Marine Corps Base, Camp Lejeune, N.C.

Ref: (a) Your memo of 30 Dec 1970

Encl: (1) Map of Camp Lejeune, N.C.

1. In accordance with reference (a), the following information is provided:

a. The United States Government possesses exclusive jurisdiction over Marine Corps Base, Camp Lejeune, N.C., with minor exceptions. Those exceptions include a section of N.C. Highway 24 and a section of U.S. Highway 17 where concurrent jurisdiction is shared with the State of North Carolina as indicated in enclosure (1). State officials also have the right to serve and execute civil and criminal process aboard the Base.

b. Exclusive jurisdiction over Marine Corps Base, Camp Lejeune, N.C., was obtained by the United States Government upon purchase of its lands from the State of North Carolina. Later, federal legislation retroceded concurrent jurisdiction to North Carolina over the north bound lanes of U.S. Highway 17 and the east bound lanes

of N.C. Highway 24 where these highways traverse United States Government property (see enclosure (1)).

c. Where concurrent jurisdiction with the State of North Carolina exists, the following law enforcement agencies are involved:

(1) State Highway Patrol
(2) State Bureau of Investigation
(3) State Alcoholic Beverage Control Officers
(4) Onslow County Sheriff's Department

d. North Carolina has exclusive jurisdiction over certain waterways traversing the Base as shown in enclosure (1). The North Carolina State Department on Conservation and Development enforces wildlife control laws in these areas.

FRANK X. HOFF
Colonel, U.S. Marine Corps
Base Provost Marshal